

REMARKS

Reconsideration of the Application respectfully is requested. For the reasons indicated hereafter, the Application is urged to be in condition for allowance.

As requested by the Examiner in the Official Action, additional botanical information concerning the 'Meiwhiflo' variety has been diligently sought and is provided in the Substitute Specification. It respectfully is submitted that those skilled in plant science will have no difficulty in identifying plants of the 'Meiwhiflo' variety in view of Applicant's detailed Specification and photographs. The withdrawal of the rejection under 35 U.S.C. §112 is urged to be in order and is respectfully requested.

If there is any remaining point that requires clarification prior to allowance, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and resolved.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 8, 2005

By: Benton S. Duffett, Jr.
Benton S. Duffett, Jr.
Registration No. 22,030

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620



Marked-Up Copy of Substitute Specification
Filed March 8, 2005

006450-414

BOTANICAL/COMMERCIAL CLASSIFICATION

Rosa hybrida / Floribunda Rose Plant

VARIETAL DENOMINATION

cv. 'Meiwhiflo'

Summary of the Invention

The new variety of *Rosa hybrida* Floribunda rose plant was created by artificial pollination wherein two parents were crossed which previously had been studied in the hope that they would contribute the desired characteristics. The female parent (*i.e.*, the seed parent) of the new variety was the product of the cross of the 'Korbin' variety (non-patented in the United States) and the 'Korresia' variety (United States Plant Patent No. 3,509). The 'Korresia' variety sometimes is known as the 'Fresia' variety or the 'Friesia variety. The male parent (*i.e.*, the pollen parent) was the 'Jacjem' variety (United States Plant Patent No. 5,001). The 'Jacjem' variety sometimes is known as the 'Sun Flare' or 'Sunflare' variety. The 'Korbin' variety has been marketed under the ICEBERG trademark, and the 'Korresia' variety has been marketed under the SUNSPRITE trademark. The parentage of the new variety can be summarized as follows:

('Korbin' × Korresia') × 'Jacjem'.

The seeds resulting from the above pollination were sown and small plants were obtained which were physically and biologically different from each other. Selective study resulted in the identification of a single plant of the new variety.

It was found that the new variety of Floribunda rose plant of the present invention possesses the following combination of characteristics:

- (a) exhibits an upright bushy growth habit,
- (b) forms in abundance in clusters attractive very double starkly brilliant white blossoms that well retain their coloration upon maturity,
- (c) forms very dense dark green semi-glossy foliage,
- (d) exhibits good disease resistance, and
- (e) is well suited for forming attractive ornamentation in the garden or for cut flower production.

The new variety well meets the needs of the horticultural industry. It is particularly well suited for growing outdoors or for the production of cut flowers under greenhouse growing conditions.

The new variety can be readily distinguished from its parental varieties.

More specifically, the 'Korbin' variety forms blossoms having considerable fragrance. The 'Korresia' variety forms deep yellow blossoms, and 'Jacjem' variety forms medium yellow blossoms.

Additionally, the new variety of the present invention can be readily distinguished from the 'Jaclace' (United States Plant Patent No. 4,848) and 'Meideweis' (United States Plant Patent Application No. 11/002,621, filed December 3, 2004) white-flowered Floribunda varieties. The 'Jaclace' variety sometimes is designated FRENCH LACE. When compared to the 'Jaclace' variety, the new variety of the present invention forms smaller and purer white blossoms with no hint of color, and at the end of the growing season commonly displays a shorter growth habit. When compared to the 'Meideweis' variety, the new variety of the present invention lacks the strong fragrance that is exhibited by the 'Meideweis' variety, and displays a larger growth habit.

The new variety has been found to undergo asexual propagation at West Grove, Pennsylvania and at Wasco, California by budding and grafting. Asexual propagation by the above-mentioned methods as performed in Pennsylvania and California has shown that the characteristics of the new variety are strictly

transmissible from one generation to another. Good plant development is displayed regardless of the mode of asexual propagation.

The new variety has been named the 'Meiwhiflo' variety and is being marketed under the SEPTEMBER MOURN trademark.

Brief Description of the Photographs

The accompanying photographs show as nearly true as it is reasonably possible to make the same in color illustrations of this character typical specimens of the plant parts of the new variety. The rose plants of the new variety were two years of age and was photographed during October 2003 while growing on 'Dr. Huey' rootstock at Wasco, California. Dimensions in centimeters are included at the bottom of each photograph.

FIG. 1 illustrates a series of four flower buds in progressive stages of opening with a tight unopened bud being shown at the left and a flower in the course of opening at the right.

FIG. 2 illustrates open flowers with the reverse being shown at the left and the obverse at the right.

FIG. 3 illustrates typical petals. The reverse side of the petals is shown above and the obverse side below.

FIG. 4 illustrates representative sizes and shapes of the petaloids that commonly are displayed.

Detailed Description

The chart used in the identification of the colors is that of The Royal Horticultural Society (R.H.S. Colour Chart). The description is based on the observation of two-year-old specimens of the new variety which were observed during October 2003 while growing on 'Dr. Huey' rootstock at Wasco, California.

CLASS: **Floribunda.**

PLANT: *height* -- approximately 100 to 120 cm on average at the end of the growing season.

width -- approximately 60 to 80 cm on average at the end of the growing season.

habit -- upright bushy.

BRANCHES: *color* -- *adult wood*: Green Group 137B with some lightening to and through Green Group 137C and Green Group 138A.

thorns -- present size: commonly measure
approximately 8 mm from the base to the
tip, approximately 6 mm in height, and
approximately 2 mm in width.
-- number: commonly approximately 13
thorns are present per cane on average.
-- color: near Grey-Brown Group 199A.

LEAVES: *arrangement* -- alternate and odd-pinnately compound.
size -- the size varies widely within and between leaves of different leaflet numbers. A mature three-leaflet leaf commonly is approximately 8 to 11.5 cm (approximately 9.5 cm on average) in length, and approximately 7 to 10.5 cm (approximately 8.5 cm on average) in width. A mature five-leaflet leaf commonly is approximately 11 to 16 cm (approximately 14 cm on average) in length, and approximately 9.5

to 14 cm (approximately 12 cm) in width.

A mature seven-leaflet leaf commonly is approximately 9.5 to 18 cm (approximately 14 cm on average) in length, and approximately 8.5 to 13 cm (approximately 10 cm on average) in width.

- leaflets* -- *number*: 3 and more commonly 5 and 7.
- *shape*: typically broadly elliptical to elliptical, occasionally oval to somewhat narrowly elliptical.
- *apex*: abruptly acuminate to acute to broadly acute to occasionally obtusus cum acumine (blunt with a point terminating abruptly in a round end, the middle of which is suddenly lengthened into a point).
- *base*: cuneate to broadly cuneate to almost broadly rounded.
- *margin*: serrulate to occasionally biserrulate to serrate to occasionally

biserrate, with the teeth commonly being very small near the base and larger at the upper one-half of each leaflet.

- *venation*: pinnate, reticulate.
- *general appearance*: very dense, dark green, and semi-glossy.
- *terminal leaflet size*: from a mature three-leaflet leaf 4 to 7 cm (approximately 5.5 cm on average) in length, and approximately 3 to 4.5 cm (approximately 3.5 cm on average) in width. From a mature five-leaflet leaf approximately 5 to 7.5 cm (approximately 6.5 cm on average) in length, and approximately 3 to 5 cm (approximately 4.2 cm on average) in width. From a mature seven-leaflet leaf approximately 3 to 6.5 cm (approximately 5 cm on average) in length, and

approximately 2.5 to 5 cm (approximately
3.7 cm on average) in width.

-- *color (adult foliage):*

upper surface: between Green Group 139A
and Yellow-Green Group 147A.

under surface: near Green Group 137C.

INFLORESCENCE

<i>number of flowers</i>	--	typically approximately 1 to 5 per inflorescence.
<i>peduncle</i>	--	commonly approximately 2.5 to 6.5 cm (approximately 4.5 cm on average) in length, and approximately 2.5 to 3.6 mm (approximately 3 mm on average) in diameter.
<i>sepals</i>	--	five in number, lanceolate commonly with a few foliaceous extensions, and rarely a sepal is found having substantially the same coloration as the petals.

buds -- *shape*: narrow ovoid.

-- *size*: when the first sepal is reflexed the diameter is approximately 14 to 15.5 mm (approximately 15 mm on average).

flower -- *form*: very double and cup-shaped when mature.

-- *diameter*: approximately 6 to 9 cm (approximately 7.5 on average) when fully open.

-- *overall appearance*: stark bright white with a very light green hue when first opening.

-- *color when fully open*:

upper surface: near White Group 155D at the upper edge, moving towards the petal base the predominant color shifts to near White Group 155A and then shades towards and through Green-White Group 157D, Group 157C, 157B, and 157A in the direction of the petal base. The veins tend

to be darker and commonly are near

Yellow-Green Group 145C and 145D.

under surface: primarily near White Group

155D but somewhat brighter and whiter,

with some shading towards and through

Green-White Group 157D, 157C, 157B,

and 157A towards the center and in the

direction of the petal base.

-- *stability of coloration:* very good with
coloration commonly being well
maintained upon full maturity.

-- *petal configuration:* typically broadly to
narrowly obovate.

-- *petal number:* ranges widely from
approximately 27 to 49 under typical
growing conditions with an average of
approximately 36.

-- *petal arrangement:* rosulate.

- *petal apex*: typically abruptly acuminate to broadly acute to truncate to occasionally emarginate.
- *petal base*: commonly narrowly to broadly cuneate to broadly rounded.
- *petal texture*: glabrous, membranaceous, relatively thin and semi-translucent.
- *petal size*: commonly approximately 25 to 45 mm (average approximately 36 mm) in length, and approximately 20 to 50 mm (average approximately 32 mm) in width.
- *petaloids*: commonly approximately 1 to 8 (approximately 4 on average) per bloom.
- *fragrance*: not noticeable to very slight.
- *pistil number*: approximately 80 to 125 (approximately 102 on average).
- *stamen number*: commonly approximately 110 to 160 (approximately 130 on average).

-- *anthers*: commonly approximately 1.2 to 2.8 mm (average approximately 2.2 mm) in size.

DEVELOPMENT

<i>blooming</i>	--	typically cyclic.
<i>aptitude to bear fruit</i>	--	none observed.
<i>resistance to diseases</i>	--	good.

The new 'Meiwhiflo' variety has not been observed under all possible environmental conditions to date. Accordingly, it is possible that the phenotypic expression may vary somewhat with changes in light intensity and duration, cultural practices, and other environmental factors without variance of the genotype.